

1 BEFORE THE ILLINOIS HOUSE OF REPRESENTATIVES
2 IMPEACHMENT COMMITTEE

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12 Hearing held on the 7th day of January, 2009, at
13 the hour of 3:00 p.m., in Room 114, Illinois State
14 Capitol, Springfield, Illinois.

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TRANSCRIPT OF PROCEEDINGS

19

VOLUME VI

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1 COMMITTEE MEMBERS:

2 HOUSE MAJORITY LEADER BARBARA FLYNN CURRIE, CHAIRWOMAN

3 REPRESENTATIVE JIM DURKIN, MINORITY SPOKESPERSON

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12 REPRESENTATIVE JACK D. FRANKS

13 REPRESENTATIVE JOHN A. FRITCHEY

14 REPRESENTATIVE JULIE HAMOS

15 REPRESENTATIVE GARY HANNIG

16 REPRESENTATIVE CONSTANCE A. HOWARD

17 REPRESENTATIVE LOU LANG

18 REPRESENTATIVE FRANK J. MAUTINO

19 REPRESENTATIVE CHAPIN ROSE

20 REPRESENTATIVE JIM SACIA

21 REPRESENTATIVE JIL TRACY

22 REPRESENTATIVE ARTHUR J. TURNER

23

24

1 CHAIRWOMAN CURRIE: The House Special
2 Investigative Committee will come to order and the
3 Clerk will call the roll.

4 CLERK: Currie.

5 CHAIRWOMAN CURRIE: Here.

6 CLERK: Durkin.

7 Acevedo.

8 REPRESENTATIVE ACEVEDO: Here.

9 CLERK: Bassi.

10 REPRESENTATIVE BASSI: Here.

11 CLERK: Bellock.

12 REPRESENTATIVE BELLOCK: Here.

13 CLERK: Black.

14 Bost.

15 REPRESENTATIVE BOST: Here.

16 CLERK: Davis.

17 REPRESENTATIVE DAVIS: Here.

18 CLERK: Eddy.

19 REPRESENTATIVE EDDY: Here.

20 CLERK: Flowers.

21 Franks.

22 REPRESENTATIVE FRANKS: Here.

23 CLERK: Fritchey.

24 REPRESENTATIVE FRITCHEY: Yes.

1 CLERK: Hamos.

2 REPRESENTATIVE HAMOS: Here.

3 CLERK: Hanni g.

4 REPRESENTATIVE HANNIG: Here.

5 CLERK: Howard.

6 REPRESENTATIVE HOWARD: Here.

7 CLERK: Lang.

8 REPRESENTATIVE LANG: Here.

9 CLERK: Mauti no.

10 REPRESENTATIVE MAUTINO: Here.

11 CLERK: Rose.

12 REPRESENTATIVE ROSE: Yes. Thank you.

13 CLERK: Saci a.

14 REPRESENTATIVE SACIA: Here.

15 CLERK: Tracy.

16 REPRESENTATIVE TRACY: Here.

17 CLERK: Turner.

18 CHAIRWOMAN CURRIE: Thank you. We have a

19 quorum.

20 And the first order of business will just be
21 reporting that although the Governor's lawyers were
22 invited to be here today, they have declined the
23 opportunity.

24 And we also have a large number of additional

1 exhibits to add to our record and I'll read it real
2 quick. If you have any questions what's in them, ask
3 after I read the whole list.

4 So Exhibit 34 is the articles on the Freedom of
5 Information Act.

6 35 is a memorandum from the Governor's lawyer,
7 Mr. Genson.

8 36 is a letter from Dave Ellis to Mr. Genson.

9 37 are the group exhibit, the articles, the
10 statements, the press releases on the impact of
11 Governor Blagojevich's situation on the state.

12 38 is the subpoena sent to Roland Burris.

13 39 is the subpoena sent to the Executive Ethics
14 Commission.

15 40 is the correspondence with Mr. Burris.

16 41 is a letter from William Hubbard of the Food
17 and Drug Administration to Scott McKibbin, who at that
18 time was the Governor's Special Advocate.

19 42 is a January 1, 2009, letter from me to the
20 Executive Ethics Commission.

21 43 is the Executive Ethics Commission letter and
22 report.

23 44 is the transcript from the hearing on the
24 motion to disclose intercepted communications.

1 45 is a letter from Bob Arya to the committee.

2 46 is a letter from Abasse Tall to the committee.

3 47 is information in response to member questions
4 on the Freedom of Information Act.

5 48 is written testimony that we heard last week
6 from Don Craven, the lawyer, on FOIA and the
7 Blagojevich administration.

8 49 is written testimony on the same topic from
9 Jay Stewart of the Better Government Association.

10 50 is written testimony from Robert Rich,
11 director of the Policy -- of the intergovernmental --
12 of the Institute on Government and Public Affairs from
13 the University of Illinois, and Andrew Morris, a
14 professor in that department, on issues involving the
15 Joint Committee.

16 51 is written testimony provided by Claudette
17 Miller and Tom Hecht. These are lawyers from
18 Ungaretti & Harris, and they were involved in the
19 Joint Committee lawsuit.

20 52 is written testimony from Ronald Gidwitz. We
21 heard that last week. He's a plaintiff in a case
22 against -- about JCAR.

23 53 is written testimony from Vicki Thomas, the
24 executive director of JCAR.

1 54 are the pleadings in the pending lawsuit
2 against the Governor with respect to JCAR.

3 55 is a letter to the committee from Roy Arnold,
4 the president of Arlington Park.

5 56 is written testimony from Cindy Canary,
6 Illinois Campaign for Political Reform.

7 57 is the resume of John J. Scully. He's the
8 former Assistant United States Attorney who told us
9 how difficult it is to get wiretap approval.

10 58 is letters from the committee to people who
11 have been invited to present testimony.

12 59 is a letter from Doug Quivey to Dave Ellis.

13 60 are flu vaccine articles.

14 61 is report digest from the Auditor General.

15 62 is a subpoena sent just this very morning to
16 Friends of Blagojevich.

17 63 is a letter from Ed Genson to the committee.

18 64 is a letter from me to Clayton Harris and
19 Andrew Velasquez III.

20 65 is a letter from the United States Department
21 of Homeland Security to Tamara Hutchinson.

22 And 66 is additional information provided by the
23 lawyers for Caro in that pending lawsuit about JCAR.

24 Any questions on any of those items?

1 Let me just tell you the status of our subpoenas.
2 We did subpoena Roland Burris. We invited him to
3 appear today. He had urgent business with Majority
4 Leader Harry Reid of the United States Senate and
5 other members of the Senate leadership, and he will be
6 here tomorrow at 3:00.

7 We also had done a subpoena to the Executive
8 Ethics Commission and that report has been received
9 and should be part of your packet and the information
10 will be part of today's agenda.

11 We also subpoenaed Friends of Blagojevich asking
12 for a list of contributors between July 1 and December
13 31st, including the name of the contributor, the date,
14 and the amount of the contribution. We want the
15 materials by tomorrow at 10 a.m.

16 We've since been informed by the people involved
17 in the committee that some of that information may not
18 be available. Apparently the United States Attorney
19 took some of that material away with them, and
20 apparently you're not allowed to make copies. So they
21 will let us know what they cannot provide and
22 presumably what they can provide by sometime tomorrow.

23 Then, first of all, as you all know, there was a
24 hearing before Judge Holderman in Chicago on Monday

1 involving the United States Attorney's request that
2 this committee have access to four separate
3 tape-recorded conversations, all of them having to do
4 with the bill then on the Governor's desk having to do
5 with benefits for the horse racing industry and the
6 question whether people were -- the Governor was
7 suggesting that he might sign the bill if and only if
8 advocates of the horse racing industry were prepared
9 to make substantial contributions to his campaign
10 committee.

11 So Mr. Ellis was there at the hearing. And,
12 Dave, would you be kind enough to tell us what we need
13 to know?

14 MR. ELLIS: Thank you very much, Madam Chair.

15 I appeared in court on Monday on behalf of the
16 Special Investigative Committee, and Judge Holderman
17 was very receptive to the notion that the Special
18 Investigative Committee would be interested in getting
19 some of these wiretaps. We are talking about four
20 tapes related, as Representative Currie said, related
21 to the horse racing industry part of the allegations
22 in the criminal complaint.

23 The time frame is that by tomorrow at 1 p.m. the
24 parties to the intercepted phone conversations, who

1 have all been brought into court, will be given the
2 opportunity to tell the judge whether they object or
3 whether they have no objection to having those tapes
4 released. We don't know yet what most of the parties
5 will say. We suspect that at least one or more of the
6 parties will object, but we don't know that.

7 And so we have -- we have scheduled our hearing
8 tomorrow for 3:00, which will give us a couple of
9 hours for that hearing to take place in Chicago
10 federal court. So we wait and we will have more to
11 report tomorrow.

12 But I would like to say one thing. I do have a
13 transcript from the hearing yesterday, and it was
14 clear from his comments that Judge Holderman was aware
15 of the allegations made by Mr. Genson before this
16 committee that the wiretaps were illegal. And I would
17 like to read to you something that the judge had to
18 say about that. And I believe that the committee
19 members have the transcript with them. It will be on
20 page 10 spilling over to page 11. This is Judge
21 Holderman:

22 "But I can assure you that I have scrutinized the
23 procedure that has been followed in connection with
24 each of these wiretaps as they were presented to me,

1 and I can assure you that I have done everything in my
2 power to make sure that the government has complied
3 with the law."

4 So we were glad to hear that the judge -- Judge
5 Holderman was the one who authorized the initial
6 wiretaps, and so we were glad to hear that he held the
7 U.S. Attorney to a very high standard, and I think
8 that should give the committee a lot of confidence in
9 the legality of what we're doing here.

10 CHAIRWOMAN CURRIE: So we'll learn more after
11 the 1:00 hearing tomorrow.

12 Now, Exhibit 35, Committee Exhibit 35 is a letter
13 from Mr. Genson in response to some questions raised
14 by Representative Rose on the issue of standards that
15 might be appropriate for impeachment. You all have a
16 copy of that in your packet. It is part of the
17 evidence -- the exhibits in the record in this
18 committee.

19 And, Representative Rose, my understanding is
20 you'd like to make some comments in response.

21 REPRESENTATIVE ROSE: No.

22 CHAIRWOMAN CURRIE: You don't want to make
23 some comments in response?

24 REPRESENTATIVE ROSE: No.

1 CHAIRWOMAN CURRIE: Was that no?

2 REPRESENTATIVE ROSE: No.

3 CHAIRWOMAN CURRIE: It was a no. All right.

4 Then I was misinformed. Will you give us written
5 comments?

6 You don't want to respond. Okay. All right.

7 Sorry my information was not good.

8 REPRESENTATIVE ROSE: Madam Chair, I don't
9 know who told you I was going to respond to it. I
10 think the letter speaks for itself. I would say that
11 he -- I thought -- well, the letter speaks for itself.
12 But my comments to him about what the applicable
13 standards were were pretty clear on the record,
14 so . . .

15 CHAIRWOMAN CURRIE: Okay. So you don't need
16 to respond; you already have. All right. Good.

17 Then we have two other substantive topics this
18 afternoon.

19 Representative Lang has looked carefully at the
20 material we got from Tammy Hoffman, the chief of
21 staff, and Barry Maram, the director of the Department
22 of Healthcare and Family Services.

23 As you know, when they testified before this
24 committee two weeks ago, there were many questions

1 they were not at that moment able to answer. Since
2 then they have supplied the committee with a variety
3 of documents.

4 And perhaps, Representative Lang, you would be
5 kind enough, since you asked them these questions, to
6 let us know what those answers covered, what -- where
7 they might be, we'd appreciate it.

8 REPRESENTATIVE LANG: Thank you, Madam
9 Chairman.

10 Ladies and gentlemen of the committee, if you
11 don't have this information yet, you will.

12 You'll recall that when Director Maram and his
13 chief of staff, Ms. Hoffman, were here, we asked for
14 certain documents, certain information, and certain
15 answers to questions.

16 CHAIRWOMAN CURRIE: Could you speak more
17 directly into the microphone?

18 REPRESENTATIVE LANG: Thank you.

19 In response to those requests, we did get a small
20 group of documents. Not included in those documents
21 were the answers to the questions we asked regarding
22 cost that has been expended on the FamilyCare program
23 from the time that JCAR prohibited it until today's
24 date. Not included were any contemporaneous notes

1 that Ms. Hoffman said she drafted in her own
2 handwriting during any meetings she was in.

3 They did attempt to give us some information that
4 they felt would be valuable to our deliberations, and
5 I'm only sorry that they have not returned to answer
6 additional questions. But rather than go through all
7 of what they sent us, some of which were the actual
8 rules that JCAR rejected, I want to highlight a couple
9 of documents that are before me. And since you do not
10 have the benefit of all of it, I'll give you the dates
11 and read appropriate passages.

12 First, you'll recall that there was an issue
13 regarding how they were to pay for the FamilyCare
14 program, and I and others asked where it was in the
15 state budget. And as I recall, they gave us some
16 information regarding that they don't budget by
17 program, they budget by services, and so they had a
18 big pot of money to pay it from.

19 But I find then curious that in an October 12th,
20 2007, e-mail from Jacquetta Ellinger, the deputy
21 administrator, Division of Medical Programs from the
22 department, she says, and I quote, the budget impact
23 here needs to match whatever has been said for the
24 Governor's initiatives.

1 Which means to me that the department has decided
2 that whatever the Governor says publicly this program
3 was to cost, that's what it would cost. It says to me
4 the department is just making up the numbers to match
5 whatever the Governor's prediction was.

6 Additionally, on the same date there's another
7 e-mail from the same state employee directed to
8 various people and it's discussing the issue of how to
9 go about the rulemaking in JCAR. And first they're
10 referring to the rules, and she says, if we go with
11 regular rulemaking to take FamilyCare 400%, then the
12 first draft attached, referring to the rules, should
13 work. Then she goes on to say, but if we're filing
14 FamilyCare as an emergency and we have to have someone
15 covered immediately and we proceed before any system
16 changes can be made, then the second version, Rapid
17 Start, should work.

18 Which says to me, ladies and gentlemen, that
19 despite the fact that the department considered this
20 an emergency, it really wasn't an emergency at all.
21 It was a strategy. It was a strategy to determine how
22 to best circumvent JCAR.

23 And to buttress that, a document that was
24 provided to us dated October 19th, 2007, entitled

1 FamilyCare Expansion Implementation Plan Draft, on
2 page 2 of that document, after they go through how
3 they want the program to work, there's a section
4 called Caveats To This Approach.

5 1. HFS must file emergency rules to maintain
6 coverage of parents with income from 133% to 185% of
7 poverty due to Congress's failure to override the
8 President's veto of the SCHIP reauthorization
9 yesterday. We will also need a rule for the expansion
10 from 186% to 400% of poverty.

11 And then the key line. JCAR has said they will
12 call an emergency session and vote a suspension of any
13 emergency rule dealing with eligibility. An
14 alternative to this would be to file emergency
15 preemptory rulemaking based on Congress's failure to
16 override the President's veto of the SCHIP
17 reauthorization to move coverage of parents up to 185%
18 under the authority of the public aid code.
19 This is likely to put JCAR in a very tough position
20 because failure to accept this action would mean
21 denying benefits to about 130,000 people currently
22 enrolled. Once this rulemaking survives the
23 committee, we would have laid the legal basis for
24 expanding eligibility for parents by regular

1 rulemaking under the public aid code. If JCAR ignores
2 the law and suspends or prohibits a preemptory rule of
3 this nature, the state would arguably be in a good
4 position to challenge JCAR's authority.

5 Ladies and gentlemen, the language of this memo
6 is clear. This was not an emergency. It was a
7 strategy by the department designed to challenge the
8 authority of JCAR. They acknowledge in this that they
9 have linked FamilyCare, which has been rejected or at
10 least portions of it rejected by the General Assembly,
11 to SCHIP because they felt that the JCAR would never
12 reject SCHIP because it was an emergency for children
13 and so they linked a program to it that was not an
14 emergency.

15 And you will recall that the discussion at the
16 meeting -- the hearing with Ms. Hoffman and Mr. Maram
17 where we reiterated what happened at that meeting,
18 which was JCAR offered an opportunity to the
19 department to just take the SCHIP program as an
20 emergency, as all members of JCAR felt it was an
21 emergency, and they refused to do it. This is a
22 program that the department had also indicated
23 emanated from the Governor's office, and you'll recall
24 Ms. Hoffman's comments that the Governor was in one or

1 more meetings where the discussion was had as to how
2 they would go about implementing this program.
3 Presumably that also included doing a sidestepping of
4 JCAR.

5 That's all I have on this issue, Madam Chair.
6 I'd be happy to answer any questions.

7 CHAIRWOMAN CURRIE: Thank you,
8 Representative.

9 Just some housekeeping. Clerk, please add
10 Representatives Durkin, Black, Franks, and Turner to
11 the roll.

12 Are there any questions of Mr. Lang?
13 Representative Bellock.

14 Oh, and add Representative Flowers to the roll as
15 well.

16 REPRESENTATIVE BELLOCK: I had a question
17 because -- and I can't find that document now. We had
18 it before if it's the same document you were referring
19 to, Representative Lang, that was just sent recently
20 from Tammy Hoffman and Barry Maram.

21 REPRESENTATIVE LANG: Yes, this was in a
22 small sheath of documents --

23 REPRESENTATIVE BELLOCK: Right.

24 REPRESENTATIVE LANG: -- that the department

1 provided at -- subsequent to our committee meeting
2 where they appeared to testify.

3 REPRESENTATIVE BELLOCK: Right. And none of
4 the answers that we really requested were in there as
5 far as how many people were in the program, other
6 costs to the program?

7 REPRESENTATIVE LANG: To my knowledge we have
8 not received that information. I'm not sure what we
9 should conclude from that other than they're
10 apparently not prepared to give us the information.

11 But I do think that in their effort to give us as
12 little as possible they gave us quite a bit in terms
13 of their strategy, in terms of their motives, and in
14 terms of their direction and how they were
15 sidestepping JCAR on this issue.

16 REPRESENTATIVE BELLOCK: Well, there was
17 something else in that affidavit that said that there
18 was something that they were not going to give us
19 because of lawyer-client privilege. Do you remember
20 that? It was on the first sheet. I can't find that
21 sheet right now.

22 And my question was, who was the lawyer-client
23 privilege? Isn't the client the State of Illinois? I
24 don't know. Or had they hired their own lawyer?

1 Because whatever they withheld from us they said it
2 was because of lawyer-client privilege.

3 REPRESENTATIVE LANG: As I recall, more than
4 once they alleged that there was a lawyer-client
5 privilege, and I think they related most of that to
6 the Caro lawsuit. But I don't think we ever had a
7 ruling, nor did we request one, from our legal counsel
8 as to whether we felt it was even privileged in the
9 first place.

10 REPRESENTATIVE BELLOCK: So I guess the
11 clarification was, are you saying that that was their
12 own lawyer or a lawyer for Department of Healthcare
13 and Family Services?

14 REPRESENTATIVE LANG: I don't think they were
15 clear. And as I recall -- someone can correct me if
16 I'm wrong -- I don't think anyone on the committee
17 asked for them to clarify that issue.

18 REPRESENTATIVE BELLOCK: Thank you.

19 CHAIRWOMAN CURRIE: Other questions for
20 Mr. Lang?

21 If not, thank you very much, Representative. And
22 now you're up again. This time you're the one who's
23 going to present for us information from the Executive
24 Ethics Commission report on hiring practices, the

1 report dated September 2004.

2 REPRESENTATIVE LANG: Thank you, Madam
3 Chairman.

4 I think it's widely known that Z. Scott, who was
5 in 2004 the Executive Ethics Officer for the State of
6 Illinois, had been called upon to investigate the
7 hiring practices of the Governor's office,
8 particularly as it related to the Department of
9 Employment Security.

10 Before I proceed, I think it's important to note
11 that the names that are in this report -- and I don't
12 intend to read the list of names who are mentioned --
13 the names of people who are mentioned in this report,
14 whether they be employees of the State of Illinois who
15 may have been hired in an inappropriate way or whether
16 they be employees of the State of Illinois who may
17 have done the inappropriate hiring --

18 CHAIRWOMAN CURRIE: Representative, could I
19 just interrupt for one minute on some of the
20 procedures that led to our having this report in hand?

21 REPRESENTATIVE LANG: Sure.

22 CHAIRWOMAN CURRIE: And that is we had asked
23 the Executive Ethics Commission for this report. The
24 Executive Ethics Commission was of the view that

1 confidentiality language in the state statute made it
2 improper for them to give us that information. We
3 then subpoenaed the report and they went to the
4 Attorney General.

5 The Attorney General has written them a letter,
6 which is in your pocket -- packet that says that it is
7 their belief that the interest of the Investigative
8 Committee, our Investigative Committee, the importance
9 of the work that we are doing trumps that
10 confidentiality language. So I think it's important
11 for you to note.

12 Now, we also -- just for the record, our staff
13 did try to call all the people whose names were
14 mentioned in the Inspector General's report to alert
15 them that this committee would have access to that
16 information.

17 So carry on.

18 REPRESENTATIVE LANG: Thank you.

19 That last -- the latter thing you said is exactly
20 where I was going. We felt it appropriate to warn
21 folks who might be mentioned in this report that their
22 names will be part of the public record, and we've
23 made a good faith effort to reach all of them.

24 So as a result of the complaints about the hiring

1 practices at the Department of Employment Security, Z.
2 Scott, the Executive Inspector General, investigated
3 and provided a report. The report is before committee
4 members and will be made part of the record of this
5 committee. And rather than go through every page of
6 this report, let me say that the Inspector General
7 made some preliminary comments, which are that she
8 certainly did not investigate every allegation. She
9 certainly did not investigate every hire of every
10 employee in that agency. But the report talks
11 specifically about I think it's eight specific
12 instances where there are certainly some questions
13 about the hiring practices in that agency.

14 The report concluded that at the direction of the
15 Governor's Office of Intergovernmental Affairs the
16 department bypassed state hiring protocol and
17 intentionally and illegally ignored the Rutan hiring
18 mandate, which is a mandate that says you cannot hire
19 on the basis of political affiliation, as well as the
20 veterans preferences under the law of the State of
21 Illinois.

22 The OEIG did not investigate all hiring, so their
23 report may not list all the department's illegal
24 actions. However, the report does list the following

1 very specifically:

2 First, the department hired someone for an exempt
3 position called public administration intern and then
4 promoted her approximately eight months later to the
5 person's intended certified coded position, public
6 service administrator. This appears in the report at
7 page 3. By hiring the person at the exempt position
8 then promoting her to the coded position, the
9 department circumvented the 17 grade A veterans who
10 would have received the veteran preference for the
11 coded position.

12 So in English that means that the department put
13 someone in an exempt position so they could later
14 promote her to a coded position without the need to
15 deal with the veterans preference that is the law of
16 the State of Illinois.

17 2. The department hired employees for coded
18 Civil Service positions in counties where no veterans
19 were listed but had them work in Cook County, where
20 there were many veterans on the approved list. This
21 appears in the report at both pages 6 and 16. Once
22 again, the department circumvented the veteran
23 preference rules by hiring people for one county but
24 having them work in another county.

1 Again, what this section of the report says is
2 they wanted someone to work in Cook County, so they
3 picked a county where there were no veterans on the
4 list and moved them up to Cook County, circumventing
5 the list of people who were on the veterans list for
6 Cook County.

7 Next, they fired an HR director for trying to
8 hire qualified candidates rather than the candidates
9 put forward by the Governor's Office of
10 Intergovernmental Affairs. This appears in the report
11 at pages 9 and 10.

12 The director of the Governor's Office of
13 Intergovernmental Affairs is named Joe Cini. And on
14 page 9 of the report, and I quote, In regards to
15 hiring concerns, Cini said that GOIA -- the Governor's
16 Office on Intergovernmental Affairs -- needed to place
17 people in positions for which they have no experience
18 and they can "be dealt with later." Cini also said
19 that the Governor's office determines the hiring
20 process, not the agency.

21 Next, the department hired an individual for a
22 council known as the Human Resource Advisory Council,
23 which was inactive for a period of 10 to 12 years,
24 because the position was exempt. This was an

1 opportunity for the Governor's office to cause someone
2 to be hired in an exempt position, avoiding all the
3 other rules, but the exempt position existed for an
4 agency that no longer existed. This position was
5 allocated to the director's office, Human Resource
6 Advisory Council. This appears on pages 11, 12, and
7 13 of the report.

8 OEIG investigators inquired about the Human
9 Resource Advisory Council and learned that the council
10 issued its last and final report in September of 1993.
11 The positions with the council had been inactive for
12 10 or 12 years -- and remember that this report was
13 issued in 2004 -- and the Governor's office or Human
14 Resources at IDES used the exempt positions to place
15 people at IDES. Further corroborating the superficial
16 nature of the council's positions, when asked, the
17 employee stated that she never heard of the council,
18 despite the fact that she personally was assigned to a
19 position there. So the person who was assigned to
20 this exempt position didn't even know the position she
21 was assigned to and never heard of the agency she was
22 being paid by.

23 Next, the department hired a new employee
24 ostensibly for a Rutan-exempt position but, instead,

1 had that employee perform the duties of a coded
2 Rutan-covered position in another department until a
3 Rutan-exempt position became available or the
4 originally desired job could be changed to make it
5 exempt. This appears in the report at pages 17 and
6 18. By doing so, the department circumvented the
7 veteran hiring preference and the requirements of
8 Rutan.

9 Next, the department violated the mandates of
10 Rutan by conducting a Rutan interview after an
11 employee had been hired. This is on page 12 of the
12 report.

13 So, for those that aren't aware, a Rutan
14 interview has to take place before an employee can be
15 hired by the State of Illinois. In this case the
16 employee was hired and the Rutan interview conducted
17 by phone after the employee was hired and being paid
18 by the State of Illinois.

19 Next, the department manipulated job descriptions
20 to avoid the veteran preference such as by
21 unnecessarily requiring sign language skills. This
22 appears in the report at pages 12 and 13. In fact,
23 there's an employee who was given the job of -- under
24 the job description of "provide interpretive services

1 for hearing and speech-impaired clients", when, in
2 fact, this person did not have the skills and said so
3 in her interview with the Inspector General. So the
4 person who was hired to do the work for interpretive
5 services for hearing and speech-impaired clients had
6 no such skills.

7 Next, the department directed employees to
8 falsify their CMS-100 -- in other words, their
9 application form -- to make them eligible for specific
10 positions. This appears in the report at page 14 and
11 deals specifically here with student workers, except
12 these are student workers that were no longer
13 students. And they were told by agents of the
14 department to put down certain school names and to
15 make it appear as if they were students so they could
16 be paid as student interns even though they were not
17 students.

18 Next, the department directed -- the department
19 preselected candidates before posting vacancies or
20 before interviewing candidates for coded and/or
21 Rutan-covered positions in violation of the personnel
22 code and the department's own policies and procedures
23 manual. This appears in the report at pages 9 and 20.

24 The department also hired employees for positions

1 for which they were unqualified. This appears on
2 pages 13 through 15.

3 The department further paid an employee for
4 skills she did not have. In the case that I referred
5 to regarding the interpretive services for the deaf
6 and hard of hearing, this particular employee not only
7 was not qualified for the position for which she was
8 hired, but indeed, because she was certified to have
9 these skills which she says herself she did not have,
10 she was paid an additional \$211 per month for sign
11 language skills. This appears in the report at pages
12 12 and 13.

13 At pages 6 and 15 in the report are documented
14 the overpaying of employees for their positions under
15 the personnel code and department policies of the
16 State of Illinois.

17 On page 4 of the report there's evidence of
18 backdated start dates so that employees could receive
19 more accrued vacation time.

20 On pages 4 and 7 of the report is evidence that
21 there were employees of the department who performed
22 none of the tasks listed in their job description but,
23 instead, performed tasks and had responsibilities that
24 were not listed. In other words, they were hired to

1 do one job and were then doing another job.

2 The report concludes that the main force behind
3 the hiring decisions at the Department of Employment
4 Security was the government office -- the Governor's
5 Office of Intergovernmental Affairs. This is the
6 agency run by Joe Cini at the time. Joe Cini, then
7 the director, told the agency's HR director that the
8 Governor's office determined the hiring process, not
9 the agency. This is at page 9 of the report.

10 Moreover, he said that the Governor's Office of
11 Intergovernmental Affairs needed a place to put people
12 for positions for which they had no experience so they
13 can be dealt with later.

14 GOIA provided the agency with resumes for people
15 who had to be hired, followed up on the hiring
16 process, and then were informed that the people were
17 hired. This is in the report at page 18.

18 The report states that there could be little
19 dispute that the Governor's office improperly
20 exercised a great deal, if not all, control over the
21 hiring at IDES. This is in the report at page 20.

22 On page 18 of the report, quote, throughout the
23 investigation of the above hirings, a consistent
24 thread has emerged: the Governor's Office of

1 Intergovernmental Affairs directed a significant
2 portion of the hiring at IDES.

3 First, Cini's office consistently checked in on
4 the hiring process. In November of 2003, an e-mail
5 exchange between two employees indicated that a
6 candidate they selected was being trumped by a
7 candidate sent to them by Joe Cini - someone he tried
8 to place in the agency before and was unable to do so
9 because she didn't have a degree. Again, this is an
10 example of the agency's inability to manage as
11 appropriate absent GOIA intervention.

12 A memorandum entitled "Procedures for Hiring" was
13 recovered by the Inspector General. Step one in the
14 process is: "We receive resumes from the Governor's
15 office." Step nine: "Information should be logged on
16 one status report for the Governor's office." The
17 process starts and ends with the Governor's Office of
18 Intergovernmental Affairs.

19 Ladies and gentlemen of the committee, you can
20 read the rest of the report for yourself, but this is
21 a report that evidences a strong effort by the
22 Governor's office of the State of Illinois to control
23 each and every aspect of hiring, certainly at this
24 agency. The Inspector General caught them at it. The

1 Inspector General issued a strong report that has been
2 confidential until today's date. This report is
3 important in our deliberations. And I thank you for
4 listening to me.

5 CHAIRWOMAN CURRIE: Are you finished,
6 Representative?

7 REPRESENTATIVE LANG: I have completed, yes,
8 ma'am.

9 CHAIRWOMAN CURRIE: Are there any questions
10 for Mr. Lang?

11 Mr. Bost.

12 Remember that he didn't write the report, so he
13 may not have all the answers.

14 REPRESENTATIVE BOST: Representative, just
15 for -- I think I know the answer to this, but for the
16 record, was there any report of any other agencies
17 besides this at all?

18 REPRESENTATIVE LANG: We have none, and I
19 don't know if there are any. But this has been a
20 report that shortly after it was filed it was the
21 subject of articles in the Chicago Tribune and others
22 which alluded to some of the things in the report.
23 But this is the first time we've actually seen the
24 report. And I do not know if there are others.

1 REPRESENTATIVE BOST: Okay. Thank you.

2 CHAIRWOMAN CURRIE: Representative Eddy.

3 REPRESENTATIVE EDDY: Representative, I'm not
4 sure you know the answer to this, but I'm curious as
5 to why until today this report was kept as
6 confidential and what -- if there were requests for it
7 to be made public prior to the request from this
8 committee.

9 REPRESENTATIVE LANG: I don't know. Maybe
10 Mr. Ellis knows --

11 CHAIRWOMAN CURRIE: Yes, I --

12 REPRESENTATIVE LANG: -- if there was a
13 previous request. But I do understand that the --
14 well, maybe the Chairman --

15 CHAIRWOMAN CURRIE: I think I can clarify.

16 REPRESENTATIVE LANG: -- has the information.

17 CHAIRWOMAN CURRIE: The state statute says
18 this information is confidential. The only reason we
19 were able to access this information is because in the
20 view of the Attorney General -- and the executive at
21 this commission asked advice from the Attorney General
22 -- the Special Investigative Committee work in the
23 view of that office trumps the actual language in the
24 statute.

1 REPRESENTATIVE EDDY: Okay. And again, I'm
2 trying to figure out why something that would contain
3 this type of information --

4 CHAIRWOMAN CURRIE: Because it's the law.

5 REPRESENTATIVE EDDY: That's the --

6 CHAIRWOMAN CURRIE: The short answer to your
7 question is the law says this information is
8 confidential.

9 REPRESENTATIVE EDDY: Perhaps the law needs
10 to be looked at. Thank you.

11 CHAIRWOMAN CURRIE: In the new session
12 introduce a bill.

13 REPRESENTATIVE EDDY: I'd be happy to.

14 CHAIRWOMAN CURRIE: Are there other questions
15 or comments from members of the committee?

16 If not, then, unfortunately, lacking Mr. Burris
17 today, we're pretty much -- we've used up what
18 material we had available for this afternoon's
19 hearings. If anyone has any comments or questions
20 about anything else, now is the time to --

21 Representative Durkin.

22 REPRESENTATIVE DURKIN: Representative
23 Currie, one thing that we didn't discuss was --
24 whether we should consider is the action that the

1 Department of Homeland Security took in the Governor's
2 access to classified information, federal security
3 information, and whether or not that compromises his
4 ability to be the commander in chief, which he is
5 designated in our statute, and to -- he has the
6 responsibilities to organize and send out the National
7 Guard. Is that something which we'd care to discuss
8 today or is that --

9 CHAIRWOMAN CURRIE: If you'd like to discuss
10 it, go ahead. We have a letter from me to the current
11 chief of staff, or whatever, asking for that
12 information, and in response is a letter from the
13 Homeland Security people explaining why the Governor
14 has lost his security clearance, and those are
15 exhibits I believe 64 and 65. So if you would like to
16 talk about that now.

17 REPRESENTATIVE DURKIN: Just I mean I pretty
18 much said it, but I just believe that that action in
19 itself really compromises the Governor's ability to
20 protect the people in this state. But also, I'm not
21 quite sure how he could call up National Guard when he
22 is not privy to this information. So in that sense I
23 don't believe that he can protect the citizens of the
24 state. More importantly, he's compromised in making

1 any judgment on whether or not National Guard should
2 be sent out to overseas during a wartime or if there's
3 any type of civil unrest within the State of Illinois.
4 And I ask that that be put in the record.

5 CHAIRWOMAN CURRIE: It has been, Exhibits 64
6 and 65.

7 REPRESENTATIVE DURKIN: Thank you. All
8 right.

9 CHAIRWOMAN CURRIE: Representative Black.

10 REPRESENTATIVE BLACK: Thank you, Madam
11 Chairman.

12 Let me do a follow-up question for my
13 edification. If the Office of the Executive Inspector
14 General report is in fact confidential by law, how did
15 we get a copy of it? Did we get a copy by
16 surreptitious means?

17 CHAIRWOMAN CURRIE: We subpoenaed the report.
18 The executive director of the Executive Ethics
19 Commission referred that subpoena and request to the
20 Illinois Attorney General's office. In your packet is
21 a letter to Mr. Fornoff, the executive director, from
22 the Attorney General's office explaining why they
23 believe that the work of this committee trumps the
24 statute.

1 REPRESENTATIVE BLACK: And under --

2 CHAIRWOMAN CURRIE: And on the basis of that
3 letter, the executive director of the Executive Ethics
4 Commission supplied a copy of the report to this
5 committee.

6 I did -- as the Chair, I did take out information
7 involving an individual's home address, but we did not
8 think we needed to redact the actual names of the
9 individuals who were the subject of the report.

10 REPRESENTATIVE BLACK: I wanted to send them
11 a Christmas card, but since you took them out, I guess
12 I can't.

13 Let me -- let me ask you one additional question.
14 Under the -- under the law of the OEIG, where did this
15 report go? Where were these reports going? Who was
16 responsible to review these reports?

17 CHAIRWOMAN CURRIE: To the Executive Ethics
18 Commission. And as Mr. Lang mentioned, there were
19 recommendations in the report about disciplinary
20 action that should be recommended.

21 REPRESENTATIVE BLACK: But the General
22 Assembly is not privy to those recommendations;
23 correct?

24 CHAIRWOMAN CURRIE: That is right. It is

1 confidential information. And I believe that when we
2 set up the whole -- this whole procedure, there were
3 certain confidentiality requirements that under our
4 act apply to us as well.

5 REPRESENTATIVE BLACK: I see. And who
6 appoints the members of the Executive Inspector
7 General's commission?

8 CHAIRWOMAN CURRIE: The constitutional
9 officers.

10 REPRESENTATIVE BLACK: All of them together
11 or one person or a designee?

12 REPRESENTATIVE FRANKS: They each have their
13 own.

14 CHAIRWOMAN CURRIE: The Governor gets three
15 and the others each get one.

16 REPRESENTATIVE BLACK: I see. So, okay, as
17 you indicated, perhaps some of us would be interested
18 in filing legislation to change how that is structured
19 and who it's reported to, and we look forward to
20 having your support on that.

21 One additional question. What is the Chair's
22 intent tomorrow, Friday? What -- what's your intent?
23 I mean do we -- is there a light at the end of this
24 tunnel or have we not paid the electric bill along

1 with everything else in the last five months?

2 CHAIRWOMAN CURRIE: Representative, we hope
3 there is light at the end of the tunnel.

4 The first question for the committee I think will
5 be our response to whatever happens in federal court
6 tomorrow at 1:00. If, in the best of all possible
7 worlds, the judge said, yes, release the information,
8 and the United States Attorney were to teletype it to
9 us tomorrow afternoon at 2, if we had access to those
10 tapes, I would think we definitely would want to hear
11 them. If on the other hand, there will be significant
12 delays in responding to the question may the U.S.
13 Attorney give us that information or not, we might
14 wish to take a different tack.

15 I think most members of the committee feel that
16 we've had access to quite a lot of information and
17 that, while it would be nice to hear the actual tapes,
18 many members have indicated that they think that would
19 be icing on the cake rather than something vital to
20 the deliberations of the committee.

21 But we will know more tomorrow afternoon while
22 this committee is in session or shortly before this
23 committee meets. Our plan is to meet at 3:00 tomorrow
24 afternoon.

1 REPRESENTATIVE BLACK: Thank you very much.

2 Could I make one suggestion?

3 CHAIRWOMAN CURRIE: Please.

4 REPRESENTATIVE BLACK: Just like today, we've
5 already convened and staff is handing out a number of
6 documents. And unless I missed something, they aren't
7 numbered or labeled A, B, C, D, et cetera. And I
8 apologize for asking you a question that may have been
9 in one of these documents. But they come so quickly,
10 it's very, very difficult. Could we get them handed
11 out before the committee actually begins?

12 CHAIRWOMAN CURRIE: We could try. But just
13 for your housekeeping purposes, they are -- they are
14 marked at the bottom of the front page of each set
15 committee exhibit, and I did in the beginning of the
16 hearing read into the record a number of additional
17 exhibits that have been entered into the record. Some
18 of the things we don't get until shortly before.

19 REPRESENTATIVE BLACK: You have the numbers;
20 right?

21 CHAIRWOMAN CURRIE: Pardon me?

22 REPRESENTATIVE BLACK: But there's no numbers
23 -- except on one or two of the packets I received
24 today, there are no identifying numbers whatsoever.

1 CHAIRWOMAN CURRIE: Well, I'm looking at
2 Mr. Arya's letter and it's Committee Exhibit 45, and
3 the subpoena to Governor Blagojevich is Committee
4 Exhibit -- it may be that the majority party has
5 marked documents and you don't. But we're happy to
6 share.

7 REPRESENTATIVE BLACK: I see.

8 REPRESENTATIVE BOST: Oh, another plot.

9 CHAIRWOMAN CURRIE: But we're happy to share.

10 REPRESENTATIVE LANG: It's a conspiracy.

11 REPRESENTATIVE BLACK: In the spirit of
12 bipartisanship. Let me -- could you perhaps come back
13 to me? I would like --

14 CHAIRWOMAN CURRIE: No, no, no. Your staff
15 had access to the same information our staff did. But
16 I'd be happy to give you my packet, and then you can
17 give me yours, and I'll get mine marked after the
18 meeting.

19 REPRESENTATIVE BLACK: Anything that you
20 would share with me would be one of the highlights of
21 my service in the General Assembly. I appreciate
22 that.

23 Let me, Madam Chairman, with leave to perhaps ask
24 you one more question, I would like to consult with

1 the Minority Spokesman if that's -- if it's
2 permissible.

3 CHAIRWOMAN CURRIE: Certainly.

4 REPRESENTATIVE BLACK: Thank you.

5 REPRESENTATIVE MAUTINO: Barbara.

6 CHAIRWOMAN CURRIE: While you're doing that,
7 let's go on with other people who wanted to talk.

8 Representative Bassi next.

9 REPRESENTATIVE BASSI: Thank you, Madam
10 Chairman.

11 In line with what Representative Black was just
12 talking about, would it be possible for the staff to
13 give us like a typed page of documents 1 through 65 or
14 wherever it is that we're at so that -- just a listing
15 of what's what so that we could refer to it more
16 quickly?

17 CHAIRWOMAN CURRIE: Yeah. We kept a running
18 list, but we can certainly make sure you get a
19 complete list.

20 REPRESENTATIVE BASSI: Okay.

21 CHAIRWOMAN CURRIE: In fact, here comes one.
22 It looks like our staff is bringing you a copy right
23 now.

24 REPRESENTATIVE BASSI: Oh, that's great.

1 Thank you very much.

2 CHAIRWOMAN CURRIE: Representative Fritchey.

3 REPRESENTATIVE FRITCHEY: Thank you,
4 chairman.

5 I'll wait until I get Mr. Black's attention for
6 one second.

7 Representative.

8 CHAIRWOMAN CURRIE: Or unless you want to
9 wait until --

10 REPRESENTATIVE FRITCHEY: I just want to get
11 your attention. You raised a relevant point before
12 with respect to the Inspector General and the
13 difficulty, if not impossibility, of obtaining some of
14 their findings oftentimes. I'd like you to know that
15 we worked in this past session on legislation and
16 proposals that would do just that.

17 When we had created the Ethics Act -- and I
18 worked with you and many others here on that -- it was
19 far from our intention to create a black box for the
20 findings with respect to a lot of the allegations that
21 may be referred to the various Inspectors General. I
22 believe most, if not all, of the Inspectors General
23 have been very diligent in trying to do their jobs
24 within the parameters of the law as we created it.

1 That having been said, time has shown that there
2 are problems and instances that information that we
3 believe may be relevant is not getting out not only to
4 the General Assembly domain but to the public domain
5 as well, and that's very been disconcerting. So we've
6 worked with actually members of all four caucuses, as
7 well as Campaign for Political Reform and other
8 involved parties. And we've had some various
9 proposals out there that would open up the process for
10 -- to find out if an allegation was referred, if there
11 was a finding that no disciplinary action should be
12 taken, why not; if there was a finding that
13 disciplinary action should be taken but maybe we think
14 that would result in a termination but, instead,
15 somebody got a letter in their file, why did that
16 happen. We don't have access to any of that.

17 But it may be illuminating to the committee that
18 meetings have been held in my office with respect to
19 this subject. We had agreement with our proposals to
20 open up this process from the Inspectors General on
21 behalf of every constitutional officer but one.

22 REPRESENTATIVE BASSI: Which one?

23 REPRESENTATIVE FRITCHEY: The Governor's
24 Inspector General. And I'm not saying -- he's

1 obviously entitled to an opinion within his rights and
2 his interpretations of the law and the realities for
3 it. It was a telling situation at the time. And I'm
4 not trying to single the man out as having done
5 anything improper.

6 But I do think that the committee should take
7 whatever notice and inference from that that they can
8 or that they choose to that there was an effort and
9 stated desire on the other Inspectors General to get
10 to the goal that we were trying to get to, which was
11 obviously transparency, sunshine, whatever you want to
12 call it.

13 We did and continue to receive let's just say
14 resistance from the Inspector General's office on
15 behalf of the Governor.

16 CHAIRWOMAN CURRIE: Representative Black.

17 REPRESENTATIVE BLACK: Thank you, Madam
18 Chairman. And I appreciate Representative Fritchey's
19 explanation.

20 John, I know many of us will look forward to
21 working with you. I understand that we could not
22 address every contingency under the Inspector
23 General's Act and I would share your concern. I don't
24 think any of us -- when many of us were working on

1 this, I don't think any of us ever thought we would
2 encounter this kind of stonewalling. But, obviously,
3 I think we need to perhaps fine-tune what you have
4 started.

5 REPRESENTATIVE FRITCHEY: And to maybe just
6 put a little bit of a finer point on it for everybody.
7 The concern at the time was to protect innocent
8 parties, that an allegation may be made against an
9 individual, it may be found to be completely unbased,
10 unwarranted, and you didn't want somebody's name being
11 dragged through the mud for no reason. What happened,
12 though, was word came back to us of some pretty
13 serious allegations of misdoings within state
14 government. We have no idea how those allegations
15 were treated, what happened to those findings, if
16 there was a substantiated finding, was an appropriate
17 disciplinary action taken, was it swept under the rug.
18 It was an unintended consequence of a very good, good
19 law. And it's something that we need to address.

20 It's, obviously, as you know -- and actually,
21 Representative Bellock worked on the issue with us as
22 well, Representative Coulson from your caucus as well,
23 as well as, as I said, members of all four caucuses.
24 This is not a partisan issue. We all have the same

1 goal here and we will continue to work on that goal.
2 If anything, this may give us a better impetus by
3 which to understand what can happen if we don't have
4 that type of transparency.

5 REPRESENTATIVE BLACK: We look forward to
6 working with you on that and it is not a partisan
7 issue.

8 And as to your reference to transparency and
9 sunshine, let me just note that evidently the sun
10 shines with greater intensity where you live than
11 where I live.

12 CHAIRWOMAN CURRIE: Representative Durkin.

13 REPRESENTATIVE DURKIN: Thank you,
14 Representative Currie.

15 I just wanted to go back a little bit and talk
16 about some timing issues but also the issue regarding
17 the tapes.

18 It's the opinion of the minority party that the
19 tapes will be helpful, that they are the best
20 evidence, and it's part of our responsibility and the
21 obligation that we took a few weeks ago is to gather
22 the best evidence. That tape would provide greater
23 corroboration to an affidavit which is already in
24 evidence.

1 But it is our opinion that if we are not able to
2 get access to those tapes within a timely manner that
3 we don't believe that the work of this committee
4 should stop, that we should move forward in an
5 expeditious manner and reach some type of conclusion
6 one way or another with or without the tapes. But I
7 just want you to know that and also the public to know
8 that.

9 CHAIRWOMAN CURRIE: And if I could respond, I
10 completely agree. It would be my view that if we're
11 not able to access them but we do want to move
12 forward, it would be my view that it might make sense
13 for the next House of Representative, the 96th
14 Assembly House of Representatives, to reconstitute
15 that committee. There may be other information that
16 would become available over the next period of time
17 that might be useful to this entire enterprise. So I
18 would hope that we could in a bipartisan fashion do
19 another resolution re-creating the committee so that
20 if other items become available to the committee or to
21 us that there would be an appropriate forum, an
22 appropriate venue for consideration.

23 REPRESENTATIVE DURKIN: Sure, absolutely.
24 But also, just getting back to the tapes, just as long

1 as everybody knows that we're not trying the case here
2 in the House. If this committee does recommend --
3 make some type of recommendation and the House makes a
4 recommendation, a trial will be conducted in the other
5 chamber. And we don't know what the circumstances are
6 going to be for trial, what the rules of evidence will
7 be, how it should be conducted. But we believe that
8 -- not only we believe that the affidavit -- I believe
9 the affidavit speaks for itself, but the tapes I
10 believe would be the type of evidence that we would
11 like to see in a trial in the Senate. That is why we
12 will move forward, but we will continue with our
13 efforts to have those tapes made available to the
14 legislature, and if it's more appropriate in the
15 Senate, so be it.

16 CHAIRWOMAN CURRIE: Thank you.

17 Representative Mautino.

18 No? All right.

19 REPRESENTATIVE MAUTINO: The question has
20 been answered. Thank you.

21 CHAIRWOMAN CURRIE: Representative Flowers.

22 REPRESENTATIVE FLOWERS: Thank you, Madam
23 Chairman.

24 Madam Chairman, are we going to do a follow-up in

1 regards to the Department of Human Services since we
2 have not gotten the information that we requested in
3 regards to the extension of the Family Healthcare
4 Program?

5 CHAIRWOMAN CURRIE: Representative Lang,
6 maybe you'd like to respond to that since you gave us
7 the complete lowdown on that.

8 REPRESENTATIVE LANG: I guess my answer is it
9 would be great if they're going to be here, but
10 they're not going to be here, so we're going to have
11 to rely on what we heard, what we didn't hear, and the
12 documents they provided to us. And frankly, I think
13 that's plenty.

14 REPRESENTATIVE FLOWERS: So you think we have
15 enough to proceed?

16 REPRESENTATIVE LANG: I think there's nothing
17 to be further gained by continuing an effort to bring
18 people in here who aren't coming. And so their
19 failure to appear says a lot about their concern about
20 what this committee thinks.

21 REPRESENTATIVE FLOWERS: Well, the reason why
22 I was kind of concerned about that, Representative,
23 because one of the letters that I received also stated
24 that they could not give the number of people who had

1 signed up per county because of confidentiality. And
2 I don't think that's appropriate.

3 REPRESENTATIVE LANG: Well, you're exactly
4 correct. I think we can all draw our own opinion on
5 that. But a number, you know, unless it's your bank
6 account or mine, it cannot be confidential. We're
7 State Representatives in the middle of an
8 investigation. For the department to tell us they
9 can't -- that they cannot get us a number as to how
10 many people in each county signed up for a particular
11 program and hide behind some sort of phony
12 confidentiality I think tells us all we need to know.

13 REPRESENTATIVE FLOWERS: Yes. Thank you.

14 CHAIRWOMAN CURRIE: Representative Tracy.

15 REPRESENTATIVE TRACY: Thank you, Madam
16 Chairman.

17 Going back to this Executive Inspector General
18 report, if I am to understand, under this law the
19 Executive Inspector General made this report for the
20 agencies and the Illinois Governor and then they are
21 filed with that Inspector General's office? Is that
22 correct?

23 CHAIRWOMAN CURRIE: Yes, that's correct.

24 REPRESENTATIVE TRACY: Okay. So what I'm

1 perplexed about is this report was made September 9th,
2 2004, more than four years ago. And it's been sitting
3 in a file somewhere?

4 CHAIRWOMAN CURRIE: No, I assume that the
5 Executive Ethics Commission responded to it. We're
6 not able to trace to find out whether any disciplinary
7 action happened because that information is
8 confidential as well. But I would hope that the
9 Executive Ethics Commission would have responded to
10 the Inspector General recommendation of discipline and
11 seen to it that it happened. I don't know whether it
12 did.

13 REPRESENTATIVE TRACY: How did we know to ask
14 for this particular report?

15 CHAIRWOMAN CURRIE: Because there has been --
16 as Representative Lang said, there were reports in the
17 press that such a document existed.

18 REPRESENTATIVE TRACY: But the report to the
19 press was 2006; right? In July? Was that the Tribune
20 article?

21 CHAIRWOMAN CURRIE: I don't know, but it was
22 some kind of leak in 2006.

23 REPRESENTATIVE TRACY: I'm wondering, are
24 there other reports similar to these sitting in the

1 Inspector General's for the Governor's office similar
2 to this? Do we know?

3 CHAIRWOMAN CURRIE: Every year the commission
4 lists -- issues a report and describes the numbers.
5 They do not tell about individuals, but they describe
6 the number of allegations of misconduct and they
7 describe the disposition. So we get information on an
8 annual basis in the aggregate of complaints that have
9 been filed with the commission and the follow-up from
10 the Inspector General and whether the complaints were
11 founded or not founded, and we get that information in
12 broad categories. So we get information about whether
13 people were lying on their application, for example.
14 So we do get the broad numbers. We do not get the
15 individual specifics.

16 REPRESENTATIVE TRACY: For instance, the case
17 numbers and the like. So I'm wondering if it merits
18 our attention that we look back to those to see if
19 there's others. Perhaps there's similar reports
20 sitting in there that would be of more recent nature.
21 Because as I said, this report is more than four years
22 ago and it's very troubling to me that we're just
23 learning of it now.

24 CHAIRWOMAN CURRIE: We can ask staff to have

1 a look.

2 REPRESENTATIVE TRACY: Thank you.

3 CHAIRWOMAN CURRIE: Representative Franks.

4 REPRESENTATIVE FRANKS: If I may follow up on
5 that, Madam Chair.

6 I think Representative Black brought up a good
7 point, as did Representative Fritchey and
8 Representative Tracy.

9 What I have found with the Inspector General's
10 office or at least in the Governor's office in my
11 dealings as chairman of the State Government
12 Administration is that they use the Inspector
13 General's office as a shield instead of a sword. So
14 instead of going after and letting us know if there is
15 problems, what they do is they use it as a way not to
16 give us information. So if we're having a hearing,
17 for instance, and we say, hey, what's going on on the
18 efficiency initiatives or we talk about the flu
19 vaccine debacle or we talk about the issues when it
20 comes to the Loop Lab School, what they'll say is,
21 well, this has been referred to the Inspector General,
22 so we can't tell you anything. So it's a great way --
23 and then -- and then we can't get the information
24 because they'll call confidentiality and then we never

1 get the end report.

2 So I think we have to revamp the law because
3 we've hamstrung ourselves because in this
4 administration what they've done is use it as a
5 shield. And I think we made a very good point here.

6 So I'd like to, if we can, to perhaps consider an
7 additional subpoena duces tecum to the Inspector
8 General for all reports generated during this
9 administration. And then we can determine whether
10 they have validity, and they can be looked at in
11 camera by the Chair and the counsel to determine
12 whether there's any validity for us to look at.

13 CHAIRWOMAN CURRIE: We'll take that under
14 consideration.

15 Representative Bassi.

16 REPRESENTATIVE BASSI: Following up again, as
17 much as I think this information is probably critical,
18 I'm looking at the fact that this Governor has been
19 under investigation since January of '03. The
20 Executive -- Executive Inspector General has been
21 looking at him in '04. We had problems with him, we
22 knew that he was being investigated in '06 when he was
23 reelected. We have all kinds of issues at this point.
24 He can't -- he's been already cut off by the Homeland

1 Security people. He's cost us 20 some million dollars
2 because of his trials and tribulations.

3 You guys, we're beating a dead horse here. For
4 goodness sakes, let's get moving on this.

5 CHAIRWOMAN CURRIE: Thank you,
6 Representative.

7 Are there any other questions? Any other
8 comments or questions? If not --

9 Representative Sacia.

10 REPRESENTATIVE SACIA: Thank you,
11 Representative Currie.

12 Ever so briefly, and Representative Franks
13 alluded to it, but at no time do the Inspector
14 General's reports go to the Attorney General?
15 Wouldn't it -- wouldn't one like the Z. Scott report
16 automatically when there's that amount of apparent
17 wrongdoing be referred to the Attorney General?

18 REPRESENTATIVE FRANKS: No. It's all
19 internal.

20 REPRESENTATIVE SACIA: Thank you.

21 CHAIRWOMAN CURRIE: Apparently the Inspector
22 General can ask the commission, the full Ethics
23 Commission for leave to file a complaint with the
24 Attorney General. To our knowledge that has not yet

1 happened.

2 And I believe that the Inspector General, whose
3 report Representative Lang just detailed for us, I
4 believe that she resigned shortly after filing this
5 report.

6 Representative Fritchey.

7 REPRESENTATIVE FRITCHEY: Just real quick for
8 members of the committee. We had prepared a flow
9 chart to explain the various scenarios of what happens
10 with a complaint when it goes into the Inspector
11 General system. And it's getting later in the day.
12 Let me see if -- if I can get this, I will have copies
13 e-mailed down to me and make copies available to the
14 committee. I think not only for this case in
15 particular but in general it will be helpful for
16 everybody to understand what happens in any -- if
17 there's a finding of no wrongdoing, wrongdoing,
18 punishment, no punishment, et cetera. We'll try to
19 track this down and get it to everybody. Hopefully
20 that will clear this up a little bit.

21 CHAIRWOMAN CURRIE: That will be helpful.
22 Thank you, Representative.

23 Representative Tracy.

24 REPRESENTATIVE TRACY: Following up on that,

1 I was just wondering if there is any evidence that the
2 Governor's office acted on this report, any
3 correspondence or -- you know, I don't know what the
4 procedure is, but does the Inspector General then ask
5 -- is there anything further on this particular case?

6 REPRESENTATIVE FRITCHEY: Well, I can't speak
7 with respect to this particular case, but I will say
8 one of the issues that we have come across is you're
9 almost asking the various constitutional officers to
10 be self-enforcing, where if there's a finding of
11 wrongdoing in their office or within their
12 subordinates, how do they treat that finding. Now, if
13 we have allegations that those subordinates were
14 acting at the behest of that constitutional officer,
15 we're then in the situation we are asking that
16 constitutional officer to in essence go after
17 themselves, which some of them are going to be less
18 inclined to do than others.

19 Did that make sense?

20 REPRESENTATIVE TRACY: Is this Mr. Cini still
21 working for the state?

22 CHAIRWOMAN CURRIE: No.

23 REPRESENTATIVE FRITCHEY: No, he is not.

24 CHAIRWOMAN CURRIE: Representative Eddy.

1 REPRESENTATIVE EDDY: Thank you.

2 For what it's worth, as a committee member, I,
3 for one, am interested as well in Representative
4 Franks' request for those additional reports. I think
5 that they could provide us with additional important
6 information. If they could be obtained in an
7 expedient manner, I think they would be very, very
8 helpful. Thank you.

9 CHAIRWOMAN CURRIE: Any further comments or
10 questions from members of the committee?

11 If not, Representative Durkin moves that the
12 committee stands adjourned until the hour of 3:00
13 tomorrow, Thursday, January 8.

14 All in favor say aye.

15 All opposed say no.

16 We're adjourned.

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